

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO

SENTENCING MINUTE SHEET

CR No.	19-4440-MV			USA vs.	Phillips		
Date:	November 10, 2021			Name of Deft:	Nicholous Phillips		
Before the Honorable				Martha Vázquez			
Time In/Out:	9:30 a.m. / 11:25 a.m.			Total Time in Court (for JS10):	1 hour, 55 minutes		
Clerk:	Linda Romero			Court Reporter:	Carmela McAlister		
AUSA:	Jaymie Roybal			Defendant's Counsel:	Joe Romero, Jr.		
Sentencing in:	Santa Fe, New Mexico			Interpreter:			
Probation Officer:	Ana Ortiz y Martinez			Sworn?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
Convicted on:	<input checked="" type="checkbox"/>	Plea	<input type="checkbox"/>	Verdict	As to:	<input type="checkbox"/> Information	<input checked="" type="checkbox"/> Indictment
If Plea:	<input checked="" type="checkbox"/>	Accepted	<input type="checkbox"/>	Not Accepted	Adjudged/Found Guilty on Counts:	Counts 1 and 2	
If Plea Agreement:	<input type="checkbox"/>	Accepted	<input type="checkbox"/>	Not Accepted	<input checked="" type="checkbox"/>	No Plea Agreement	Comments:
Date of Plea/Verdict:	6/27/20			PSR:	<input type="checkbox"/>	Not Disputed	<input checked="" type="checkbox"/> Disputed
PSR:	<input checked="" type="checkbox"/>	Court Adopts PSR Findings			Evidentiary Hearing:	<input checked="" type="checkbox"/>	Not Needed <input type="checkbox"/> Needed
Exceptions to PSR:							
SENTENCE IMPOSED				Imprisonment (BOP): 60 months as to Count 1, mandatory minimum of 120 months as to Count 2, to be run concurrently with each other, for a total term of imprisonment of 120 months			
Supervised Release:	3 years as to Count 1, 5 years as to Count 2, to be run concurrently			Probation:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	500-Hour Drug Program
Court recommends ICE begin removal proceedings immediately or during service of sentence						<input type="checkbox"/>	ICE not applicable
SPECIAL CONDITIONS OF SUPERVISION							
<input checked="" type="checkbox"/>	Substance abuse testing (up to 60 tests per year)			<input type="checkbox"/>	Community service for _____ months _____ days		
<input checked="" type="checkbox"/>	Substance abuse treatment program (waive confidentiality)			<input checked="" type="checkbox"/>	Reside residential reentry center up to 6 months		
<input checked="" type="checkbox"/>	Mental health treatment program (waive confidentiality)			<input type="checkbox"/>	Register as sex offender		
<input checked="" type="checkbox"/>	No alcohol/intoxicants (up to 4 tests per day)			<input type="checkbox"/>	Participate in sex offender treatment program		
<input checked="" type="checkbox"/>	Submit to search of person/property			<input type="checkbox"/>	Possess no sexual material		
<input type="checkbox"/>	No contact with victim(s) and/or co-Def(s)			<input type="checkbox"/>	No computer with access to online services		
<input type="checkbox"/>	No entering, or loitering near, victim's residence			<input type="checkbox"/>	No contact with children under 18 years		
<input type="checkbox"/>	Provide financial information			<input type="checkbox"/>	No volunteering where children supervised		
<input type="checkbox"/>	Grant limited waiver of confidentiality			<input type="checkbox"/>	Restricted from occupation with access to children		
<input checked="" type="checkbox"/>	No psychoactive substances			<input type="checkbox"/>	No loitering within 100 feet of school yards		
<input checked="" type="checkbox"/>	OTHER: Take all prescribed mental health medications.						
Fine:	\$	0			Restitution:	\$	0
SPA:	\$	200 (\$100 as to each Count)			Payment Schedule:	<input checked="" type="checkbox"/>	Due Imm. <input type="checkbox"/> Waived
OTHER:							
<input checked="" type="checkbox"/>	Advised of Right to Appeal			<input type="checkbox"/>	Waived Appeal Rights per Plea Agreement		
<input checked="" type="checkbox"/>	Held in Custody			<input type="checkbox"/>	Voluntary Surrender		
<input checked="" type="checkbox"/>	Recommended place(s) of incarceration:			FCI El Reno, Oklahoma or Ft. Leavenworth, Kansas - The Court recommends that the Bureau of Prisons assign Mr. Phillips a Care Level 3 Mental Health designation. Court requests that defendant's current medications list be provided to the BOP. Court requests that the defendant remain at Santa Fe County Detention Center until he is transported to the BOP.			

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	Dismissed Counts:	
OTHER COMMENTS	Court addresses parties and reviews documents she has reviewed in preparation for sentencing. Defense counsel addresses Court requesting that the defendant be allowed to withdraw from his plea agreement. Government counsel responds. Court advises that she had been prepared to reject the plea agreement and will allow the defendant to proceed to sentencing, maintaining his guilty plea but withdrawing from the plea agreement. Defense counsel addresses Court. Defendant addresses Court. Government counsel addresses Court. Special Agent Samuel Supnik addresses Court. Probation Officer Amy Gee addresses Court. Court addresses defendant and imposes sentence.	